

May 3, 2019

To District Judge Hilton:

My name is Gerald Koch, and I was incarcerated from May 21, 2013 to January 28, 2014 for civil contempt stemming from grand jury resistance. I am writing today to try to contextualize Ms. Chelsea Manning's grand jury resistance, and to attempt to explain why I believe her own experience of coercive detention will not result in her testifying before a federal grand jury.

During my incarceration, I was held in both general population and in solitary confinement. The conditions of my confinement were onerous and at times frankly cruel. Suffering as I do from mental illness only compounded the pain of my detention, but I never even considered cooperation as a viable way to end my incarceration. As an anarchist I am part of a political community that holds great distrust for the government, and I drew solace and strength from the support of that community. But it is worth noting that the other side of that support is that my community does not respect those who cooperate with the government. Had I chosen to cooperate, I would have been ostracized and lost the support of those I cared about most deeply. This was never a difficult decision for me, as my resistance was based just as much on my core political and ethical beliefs as it was on being part of a community for which I care deeply. Indeed, this dichotomy of support for resistance on the one hand and contempt for cooperation on the other certainly factored into Judge Keenan's ultimate decision to order my release after it became clear to him that no amount of incarceration would ever make me cooperate. If you would like to read his opinion, you can find it at 994 F.Supp.2d 510.

In my case, Judge Keenan stated that I had "endless contempt" for the legal system. As a law student, I would not necessarily agree with that description, but I have never regretted my decision not to testify. Not when I was placed in solitary, not when my personal life fell apart, and not when my physical health started to suffer along with my mental health. As a grand jury resistor, I saw myself as part of a long tradition of political resistance to overbroad government investigations and surveillance. I strongly disagreed with the secretive nature of federal grand juries and felt that as a matter of principle I would never testify before one.

I believe that Ms. Manning's coercive detention is similarly fruitless and will do nothing but cause her harm without ever increasing the likelihood of her testifying before a federal grand jury. Her own feelings and criticisms of federal grand juries have been made public, and I know of no reason not to take her at her word.

I hope that this statement has been useful in clarifying grand jury resistance.

Very Truly Yours

A handwritten signature in black ink, appearing to read 'Gerald Koch', with a long horizontal line extending to the right.

Gerald Koch